

June 2011 Newsletter

RENEWAL REMINDER

There is still time to renew your medical license and residency permit. All MD/DO licenses, medical residency permits and controlled substance registrations (CSR) will expire on **June 30, 2011**. The cost to renew your medical license is \$200 and the cost to renew each CSR is \$60. If you fail to renew by June 30, 2011, there will be a \$50 late fee assessed to your license and each CSR that you hold. You may renew your license now at www.pla.IN.gov. Your login ID is your full license number (8 digit number with an A at the end) and your password is the last 4 digits of your social security number.

You cannot change the address of your CSR online. If you have an address change, please email that to pla3@pla.IN.gov. CSRs must be an Indiana practice address. If you are not currently practicing in Indiana, you do not need to renew your CSR.

If you wish to renew on inactive status, you must do that by paper renewal. Paper renewals can be obtained by emailing pla3@pla.IN.gov.

NEW BOARD MEMBER

Congratulations to Kirk Masten, DO, who was recently appointed by Governor Daniels to serve as the osteopathic physician member of the Medical Licensing Board. Dr. Masten is a 1987 graduate of Texas College of Osteopathic Medicine in Fort Worth Texas and completed an anesthesia residency from the Cleveland Clinic in 1991.

He is currently in his 20th year of anesthesia practice in Fort Wayne with Associated Anesthesiologist of Fort Wayne, PC, which is a 36 member group that covers anesthesia services at Lutheran Hospital ranging in everything from neonatal cases to heart and kidney transplants. He describes it as being "womb to tomb anesthesia, we do it all." In addition they also provide anesthesia services to 2 other hospitals, (The Orthopedic Hospital of Fort Wayne and St. Joseph Hospital of Fort Wayne) and 2 surgery centers all associated with the Lutheran Health Network in Fort Wayne.

Dr. Masten currently holds the position of President- Elect of the medical staff at Lutheran Hospital of Fort Wayne. It is a tertiary care facility and a level II trauma center. He is also chairman of credentials committee and a member of the peer review committee there as well. He serves as Chairman of Surgery at The Orthopedic Hospital of Fort Wayne.

Dr. Masten and his wife Cindy live in Roanoke, IN, and will celebrate their 30th wedding anniversary in October. He has two children, Josh and Katie. His appointment with the board will expire in April 2015.

NEW PHYSICIAN ASSISTANT LAWS

Highlights of the new laws that go into effect on July 1st are:

- Physician Assistants (PA) may only prescribe or dispense drugs approved by their supervising physician
- A PA may not prescribe or dispense schedule I or II controlled substances.
- PAs can write a drug order for use in the hospital for a schedule II controlled substance, if the patient is in an inpatient hospital.
- For Schedules III, IV and V, a PA may prescribe a **1 time 30 day supply**. After the 1 time 30 day supply, the additional prescription must be issued by a physician.
- The supervising physician or physician designee shall review within 72 hours after a patient encounter 100% of the charts for the first three (3) years of employment of the physician assistant by the same employer and at least 50% thereafter. However, if the physician assistant has had less than 1800 hours of practice, the supervising physician or physician designee shall review 100% of the charts within 72 hours of the patient encounter.
- A PA may request an exceptional circumstance waiver from the Medical Licensing Board if the PA and the physician want to work in non-contiguous counties.
- A physician still cannot be the supervising physician for more than two (2) physician assistants.

It is not necessary for a PA to resubmit a practice agreement if he/she needs to make changes in their prescribing practices. A copy of the agreement should just be kept on file and made available upon request.

A copy of the changes can be found at <http://www.in.gov/pla/2592.htm>.

UPDATE ON THE INDIANA DEATH AND FETAL DEATH REGISTRATION SYSTEM

A few law changes that impact the IDRS and IFDRS occurred during the last legislative session. The full text can be found at <http://www.in.gov/legislative/bills/2011/SE/SE0366.1.html>. Unless otherwise noted, these changes are effective immediately.

Key Changes:

1.) Medical residents are now legally allowed to sign death certificates. If you are a medical resident, you will need to submit an update to your User Agreement so a PIN number can be assigned.

2.) The definition of "physician last in attendance" has been clarified to mean “. . . **the individual who pronounced the time of death for a deceased individual. . .**” *Effective July 1, 2011*

As always another physician, or coroner, may complete the death certificate. This definition was approved by the Indiana State Medical Association to address situations when a physician may be on vacation and is unaware that their patient has died or in other circumstances where it is unclear who is responsible.

3.) A physician may now initiate a death certificate if they so choose.

4.) There is no longer a criminal penalty for funeral directors or physicians for failure to use the IDRS. Sanctions are now under the authority of the Medical Licensing Board and Funeral and Cemetery Boards. (*see administrative penalty section below*)

ISDH will be resuming their training efforts by hosting web cast trainings the 1st Tuesday of every month. Sessions will begin at 4:00 pm and 5:00 pm. Their next web cast is July 5, 2011. More information about the web casts and the IDRS can be found at <https://myweb.in.gov/ISDH/IDRSThin/>

ADMINISTRATIVE PENALTIES

Effective immediately, the Medical Licensing Board now has the authority to assess civil penalties of not more than \$1,000 against a physician for the following violations:

1. Licensure renewal fraud
2. Improper termination of a physician and patient relationship
3. Practicing with an expired medical license
4. Providing office based anesthesia without the proper accreditation
5. Failure to perform duties required for issuing birth or death certificates

These actions will *not* be reported to the National Practitioner Databank (NPDB) and a physician would have the opportunity to appeal this penalty.

CRIMINAL BACKGROUND CHECKS

Prior to adjourning the 2011 Legislative Session, the Indiana General Assembly passed Senate Enrolled Act 363 titled ***Criminal Background Checks of Licensed Professionals***. This Bill requires individuals obtaining licensure in certain healthcare professions to obtain a national criminal background check prior to being issued a license.

Effective July 1, 2011, physicians seeking initial licensure will be required to submit to finger printing and a national criminal background check by the Indiana State Police (*this is the background check that utilizes the criminal history record system of the Federal*

Bureau of Investigation). The individual applicant will be responsible for the cost of the background check in addition to any of the usual costs associated with obtaining their license (*the fees will be paid separately to different agencies*). The results of the background check will be shared with the Indiana Professional licensing Agency – in our case, with the Medical Licensing Board specifically – and after that, only confidentially with the appropriate government agencies and law enforcement entities listed in statute.

During the review of an application, if the background check evidences a prior criminal history, the board will have the discretion to determine whether or not the crime has a current and direct bearing upon the ability of the individual to practice safely and to determine whether a license should be granted or denied (*i.e., a Board may grant a license even if an applicant has a criminal conviction on their record if it is determined that the applicant is safe, competent, and no longer a threat to the public as a result of their conviction*).

The bill also allows the board to perform a random audit of currently licensed individuals during their license renewal period who would then have to submit to a background check in order to renew their license. It has not been decided how, if, or when this component of the bill will be implemented.

As of publication of this document, we have determined that **the bill will impact initial licensure for all physicians**. It will **NOT** include applications for residents or temporary medical permits. As we continue to evaluate the bill and work out the details with the Indiana State Police for conducting background checks and sharing the information, we will update our website, application instructions, Facebook page, and the board's newsletter with additional details and information.

In the meantime, for more details about this bill, please refer to <http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2011&session=1&request=getBill&docno=363> where you can read in detail the bill digest, the actual changes made to law, and the respective amendments and votes.

PHYSICIANS NEEDED TO WORK BOXING/MMA EVENTS

The Athletic Division of the Indiana Gaming Commission is responsible for the regulation of all professional boxing and professional mixed martial arts events that take place in Indiana. Since regulation began in 2010, they have seen a drastic increase of the number of events taking place in 2011. Pursuant to Ind. Code § 4-33-22-27, these events cannot be conducted without a physician licensed under Ind. Code § 25-22.5 on site at each event. Accordingly, they are currently looking for licensed physicians who are interested in working mixed martial arts and boxing events throughout the state. Experience with these sports is preferred but not required.

These event physicians are required to be licensed with the commission, which just involves completing a short application with that agency. More information regarding

this can be found by contacting Andy Means, Athletic Division at (317) 234-7164 or by email at iac@igc.in.gov.

BOARD MEETING DATES

Please note that meeting dates are subject to change. Board meetings are held in Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204.

2011

- June 23
- July 28
- August 25
- September 22
- October 27
- December 1

A list of board disciplinary actions may be found on our license litigation system at <http://www.in.gov/ai/appfiles/pla-litigation/>. Free online licensure look-ups may be obtained at <https://extranet.in.gov/WebLookup/Search.aspx>. This is a real time database so the best resource for accurate data.

MEDICAL BOARD STAFF & CONTACT INFORMATION

Kristen Kelley – Director
Jody Edens – Assistant Director
Donna Moran – Litigation/Probation Specialist
Meredith Shirley – Case Manager
Dawn Shaffer – Case Manager
Elizabeth Sangar – Case Manager
Kathy Barger – Case Manager

Professional Licensing Agency
Medical Licensing Board of Indiana
402 West Washington Street, Room W072
Indianapolis, IN 46204
Office hours are 8:00 am to 4:30 pm
Phone number – (317) 234-2060
Fax number – (317) 233-4236
Email pla3@pla.IN.gov
Web www.pla.IN.gov
You may also follow us on [FACEBOOK](#)

BOARD MEMBERS

All members of the Board are appointed by the Governor in increments of four (4) year terms. They consist of five (5) medical physicians, one (1) osteopathic physician and one (1) consumer member who are the following:

Stephen Huddleston, J.D. – Consumer Member, Board President, Franklin, IN

Bharat Barai, M.D. – Vice President, Merrillville, IN

Donald Vennekotter, M.D. – Secretary, Jasper, IN

Worthe Holt, Jr., M.D. – Fishers, IN

Robert Allen, M.D. – Columbus, IN

Lynda Smirz, M.D. – Carmel, IN

Kirk Masten, D.O. – Roanoke, IN